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Report of the Secretary-General on the situation concerning Western Sahara

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1979 (2011) of 27 April 2011, by which the Council extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 30 April 2012 and requested a report on the situation in Western Sahara before the end of the mandate period. The present report covers developments since the issuance of my report dated 1 April 2011 (S/2011/249) and describes the situation on the ground, the status and progress of the negotiations and the existing challenges to the Mission's operations, as requested by the Council in its resolution 1979 (2011).

II. Recent developments in Western Sahara

2. The reporting period was marked by a number of significant developments in or related to the Territory. Within the Territory, largely peaceful demonstrations of up to 200 Western Saharan protestors were held periodically in Laayoune and other major towns, seeking, inter alia, self-determination for the Territory, the release of political prisoners, and/or employment and social welfare benefits. As the year progressed, and once local authorities had reportedly addressed some of the grievances, the frequency of the demonstrations decreased. There was a temporary spike in the demonstrations in January 2012, with the approach of the trial of Western Saharans arrested after the Gdim Izik violence (S/2011/249, paras. 8 and 91) and in reaction to the steps taken by Morocco and Spain to introduce a new European Union accord with Morocco on fishing and agriculture.

3. Deadly violence, however, erupted in the coastal city of Dakhla on 25 September 2011. The parties gave conflicting accounts of the events. The Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente Polisario) contended that one Western Saharan had been killed and more than 100 others arrested, as Moroccan civilians, backed by Moroccan security forces, attacked a peaceful Western Saharan demonstration, protesting the killing of one of their own following a soccer match between a mixed local team and a Moroccan team. In letters addressed to me dated 27 September and 3 October, Frente Polisario leader Mohamed Abdelaziz called for the protection of the Western Saharans and the release of those allegedly arrested by Moroccan security forces after the incident.

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4. In contrast, in a statement delivered on 30 September 2011, the Moroccan Minister of the Interior stated that seven people, including two police officers, and three civilians who had been run over by a vehicle driven by known criminals, had been killed in the Dakhla clashes. The Government reported that it was treating the incident as hooliganism, although other motives were not precluded, among them community tensions, disputes over the distribution of Government assistance and subsidies and competition for employment in the rapidly developing local economy of the city.

5. As tensions mounted, my Special Representative for Western Sahara, Hany Abdel-Aziz, visited Dakhla from 25 to 27 September and met with a range of officials and tribal leaders. Subsequently, the Mission temporarily deployed a political affairs officer to the area in November to assess the situation after the incident.

6. King Mohammed VI appointed a consultative commission to draft a new constitution for Morocco, which was endorsed by a public referendum on 1 July 2011. The text contains provisions related to "regionalization" for the provinces, including Western Sahara, and to the Moroccan autonomy plan for Western Sahara. The referendum was followed by legislative elections on 25 November and the formation of a new government headed by Prime Minister Abdelilah Benkirane. The polls for the referendum and for the legislative elections were also held in the Territory west of the berm, although their legality has not been determined. As it had done in relation to the 2007 Moroccan parliamentary elections held in the Territory (S/2007/619, para. 3), Frente Polisario condemned the inclusion of Western Sahara in the ballots, which were nonetheless conducted in peaceful conditions. In addition to the referendum and the elections, Morocco celebrated the twelfth anniversary of the King's enthronement in July and the thirty-sixth anniversary of the "Green March" in November. On both occasions, the King spoke in favour of regionalization and the autonomy plan for Western Sahara and pledged to work for the return of the refugees in Tindouf, Algeria. He reiterated Morocco's readiness to achieve a solution to the conflict within the framework of the Kingdom's national unity and territorial integrity.

7. Frente Polisario held its 13th General Peoples' Congress in December 2011, followed by the formation of a new government and, in mid-February, "Saharan Arab Democratic Republic" legislative elections. Frente Polisario leader Mohamed Abdelaziz was re-elected as head of the movement. The Congress approved a number of structural governance changes to expand participation, and representatives from the part of the Territory controlled by Morocco participated for the first time since the 1991 Congress. Frente Polisario leaders maintained the requirement for a referendum on self-determination and independence for Western Sahara throughout the proceedings. Participants, particularly the younger generation, called for the adoption of further reforms, including new approaches to change the status quo. Youth groups also demonstrated in Tindouf in late 2011 and March 2012, calling on Frente Polisario leader Abdelaziz for party reforms. Prior to the Congress, the national secretariat of Frente Polisario convened in August to discuss a range of organizational, policy and regional matters. During the reporting period, Frente Polisario also commemorated the thirty-sixth anniversaries of the "National unity" declaration and of the "Saharan Arab Democratic Republic", and the first anniversary of the Gdim Izik camp events.

8. On 14 December, the European Parliament rejected the extension of the 2007 European Union-Moroccan Fisheries Partnership Agreement. The Agreement had been extended on 13 July, with a new clause requiring Morocco to provide proof that Western Sahara benefited from the fishing proceeds. The comments of the Rapporteur of the Parliament's Committee on Fisheries indicated that there were disputed legal issues with regard to Western Sahara. In the case of the Agreement, the issue at hand concerned whether or not the Agreement directly benefited the Western Saharan people. The opinion of the European Parliament's Committee on Development cited similar concerns and referred to the 2002 advisory opinion of the United Nations Legal Counsel (S/2002/161) in suggesting that any exploration or exploitation activities in Western Sahara could proceed only if they were to benefit the people of Western Sahara and be according to their wishes. In February 2012, the European Parliament gave its consent to concluding an agreement concerning reciprocal liberalization measures on agricultural and fishery products and adopted a related resolution, which called for the European Commission to ensure that the agreement was fully consistent with international law and benefited all the local population groups affected. Frente Polisario leader Abdelaziz condemned the agreement in a letter addressed to me on 25 February, further to his previous letters urging exclusion of Western Saharan waters from the accord.

III. Activities of my Personal Envoy

9. The period under review witnessed developments in the region related to the emergence of the Arab Spring. Triggered by unrest linked to unemployment, poverty and corruption, the movement expanded into wider claims for respect for human rights and the rule of law. Within this context, the parties to the Western Saharan conflict, as well as the neighbouring States, experienced important political developments of their own, with potential but uncertain effects on the negotiating process.

10. By the end of the three rounds of informal talks held between March 2011 and March 2012, the parties had reaffirmed their strong commitment to the negotiating process, agreed to continue discussing specific subjects of mutual interest, such as natural resources and demining, and had taken steps to implement prior agreements on confidence-building measures and to explore new ones. However, on the core issues concerning the future status of Western Sahara and the means by which the self-determination of the people of Western Sahara was to occur, no progress was registered. The parties continued to maintain what my Personal Envoy had previously characterized as "unyielding adherence to mutually exclusive positions". In short, they continued to demonstrate the political will to meet at regular intervals and to engage on subsidiary issues, but had yet to demonstrate the political will to break the stalemate.

A. Seventh round of informal talks

11. From 5 to 7 June 2011, the parties met for a seventh round of informal talks at the Greentree Estate in Manhasset, New York. The purpose of the meeting was to review and exchange views on the guidance provided by the Security Council in its resolution 1979 (2011), to encourage the parties to deepen their discussion of their

respective proposals, to expand their exploration of innovative approaches and discrete topics for discussion and to examine the ideas put forth in paragraph 120 of my report (S/2011/249).

12. As in previous informal meetings, the parties again discussed their two proposals, but it was once again clear that neither party was prepared to accept the proposal of the other. However, for the first time, the parties engaged in exchanges on the mechanism for self-determination of the Western Saharan people. They also began discussing demining and requested the assistance of the United Nations Secretariat in proposing a framework for reflection for future exchanges on natural resources.

13. While both parties have emphasized their full commitment to the search for a solution, it has become clear that a lack of trust continues to haunt the negotiating process and that each party harbours deep suspicions of the other. The Moroccan delegation has expressed concern that Frente Polisario was attempting to steer the talks back to the previous peace plan put forth by former Personal Envoy James Baker, instead of embracing Morocco's autonomy proposal. The Frente Polisario delegation has voiced concern that Morocco was exploiting the pursuit of innovative approaches and discrete subjects for discussion in order to divert the talks from the examination of the two proposals put forth in April 2007 and to present the international community with the appearance of progress.

B. Eighth round of informal talks

14. The parties held an eighth round of informal talks from 19 to 21 July 2011, also at the Greentree Estate, to re-examine their two proposals and to discuss one or more of the innovative approaches or discrete subjects previously agreed. There was no breakthrough in substance since the parties maintained their respective positions. However, agreement was reached on holding an expert-level meeting in Geneva on natural resources and to begin building a common database of existing natural resources and how they are being exploited.

15. During the eighth informal meeting, Morocco indicated that, because of its upcoming elections and the resulting formation of a new government, it would not be able to attend another round of talks or receive my Personal Envoy until January 2012. Frente Polisario indicated its readiness to meet later in 2011 but was unavailable in either December 2011 or most of January 2012 because of its annual Congress and internal elections. My Personal Envoy therefore proposed that a new round of talks be held from 11 to 13 February 2012. However, competing demands on the heads of the delegations of both parties and the neighbouring States required a further postponement. After consultations with all concerned, a new round of informal talks was scheduled to be held from 11 to 13 March 2012 at the Greentree Estate (paras. 22-25).

C. Visits to the capitals of the members States of the Group of Friends of Western Sahara

16. During the hiatus between the informal meetings, my Personal Envoy visited the capitals of the members States of the Group of Friends of Western Sahara and

held several bilateral meetings with the parties and the neighbouring States. From 3 to 8 November 2011, he visited Madrid, Paris and Moscow, having earlier consulted with senior officials in Washington, D.C., on 14 October 2011. He visited London on 15 December 2011 to complete the visits to the capitals. The meetings were useful, reflecting strong support of the efforts of the United Nations, continued commitment to the framework of direct negotiations set forth by the Security Council in successive resolutions and a fresh interest in moving beyond the status quo in order to find a solution.

17. In the course of his meetings, my Personal Envoy sought the support of the Group of Friends for two ideas on which he had briefed the Council on 26 October 2011: consultations with and dialogue among a cross-section of Western Saharans; and consultations with a group of respected Maghreb representatives on Western Sahara. He explained that the purpose in both cases was not to replace the negotiators but to encourage discussions, new ideas and even proposals that could be put to the negotiators for their consideration. It was a way of broadening the thinking on the future status of Western Sahara and of generating new ideas that might help the parties to overcome their inability to move beyond their mutually exclusive positions. While the members of the Group of Friends expressed broad support for the two initiatives, both Morocco and Frente Polisario subsequently expressed reservations. My Personal Envoy has not abandoned the two initiatives and plans to discuss them further with the parties.

18. In the capital of each member State of the Group of Friends, my Personal Envoy also underlined that it was vital for the United Nations and the international community as a whole to have access to reliable, independent information on developments in both Western Sahara and the refugee camps in order to consider how best to promote a settlement. This could be achieved through expanded reporting by MINURSO and more frequent visits to both Western Sahara and the refugee camps by diplomats, journalists and others. There was broad agreement that more and better independent information was needed and that MINURSO personnel should enjoy full freedom of movement and outreach in Western Sahara and the camps and have the ability to carry out transparent reporting on significant developments, as exists in other peacekeeping operations around the world.

D. Meeting on natural resources

19. From 8 to 11 November 2011, my Personal Envoy visited Geneva to meet with United Nations agencies and to co-chair an expert-level meeting of the parties on natural resources in Western Sahara, as agreed during the eighth round of informal talks. He made it clear throughout the meeting that the discussion was merely technical and that the issue of the final status of Western Sahara should be put aside. However, the parties engaged in heated discussions and mutual accusations of a political nature, with the result that exchanges on the technical issues were limited. That said, the Moroccan experts gave detailed presentations on the status of selected resources such as fisheries, water and minerals, as well as on environmental topics such as climate change and pollution, while the Frente Polisario expert described contracts, awarded to a variety of international companies for exploration of oil and mineral resources, that were contingent upon a settlement of the Western Saharan conflict that would lead to independence.

20. The Moroccan delegation stated that Western Sahara had limited natural resources and required heavy infrastructure investments financed by the Moroccan State to ensure its viability, particularly with regard to water services. It also affirmed that the income obtained from such exploitation benefited the local population and was sustainable. Frente Polisario strongly disagreed with both statements and stressed the illegality of the unsustainable exploitation of the resources of a non-self-governing territory. It also called for United Nations verification missions to ensure the sustainable exploitation of Western Sahara's natural resources. While it was clear that the parties disagreed on the current state of the natural resources and the environment in the Territory, they discussed possible next steps that could be taken on the topic during the next informal meeting, in order to attempt to build a commonly agreed database as a basis for further discussion.

E. Geneva meeting on confidence-building measures

21. As agreed at the third round of informal talks, delegations from the parties and neighbouring States met with representatives of the Office of the United Nations High Commissioner for Refugees (UNHCR) in the presence of my Personal Envoy and my special representatives in Geneva on 24 and 25 January 2012 (see paras. 67-70).

F. Ninth round of informal talks

22. From 11 to 13 March 2012, a ninth round of informal talks was held at the Greentree Estate. The parties discussed and disagreed sharply on the purpose of the negotiating process. Morocco argued that the process was meant to negotiate the details of its autonomy proposal in preparation for a referendum of confirmation. Frente Polisario countered that it was meant to open the door to all possibilities in preparation for a referendum with multiple options. Each side continued to reject the other's proposal as the basis for negotiation.

23. Two previously agreed specific subjects were discussed: on demining, the parties named focal points for further coordination and cooperation with the United Nations Mine Action Service; and on natural resources and the environment, they confirmed their intention to provide the United Nations not only with focal points but also with all available information on natural resources and the state of the environment. This will permit experts from the United Nations Environment Programme (UNEP) to begin building a database as a foundation for future discussions on the state of the environment and natural resources, including an examination of the legal aspects of current exploitation.

24. In terms of confidence-building measures, the parties and neighbouring States welcomed UNHCR plans to lease larger aircraft for family visits (see para. 67), thus greatly increasing the number of beneficiaries, and its intention to explore the possibility of arranging access to Internet cafes for separated families. They also agreed to work with UNHCR to hold two inter-Saharan cultural seminars, provisionally in June and October 2012, focusing, respectively, on the role of women and the significance of the tent (*al-khaima*) in Hassaniyya culture.

25. With regard to the next steps, the parties and neighbouring States looked forward to the renewal of the MINURSO mandate, welcomed the intention of my

Personal Envoy to travel to the region, including an extensive visit to Western Sahara in May 2012, and agreed to hold the next two rounds of informal talks in June and July, prior to the beginning of the Muslim month of fasting.

IV. Activities on the ground

A. Military activity

26. As at 15 March 2012, the military component of MINURSO stood at 228 personnel, including the Force Commander, administrative personnel and medical unit officers, against the authorized strength of 231. The Mission currently has six female military observers, from Ghana, France, Mongolia, Nigeria and Uruguay. There are also three female personnel — one doctor and two nurses — with the medical unit of Bangladesh. I would welcome further deployments of female officers by troop-contributing countries, both for operational reasons and to improve the Mission's gender balance. During the reporting period, the average monthly number of French-, Spanish- and Arabic-speaking military observers in the Mission was 20, 31 and 30, respectively, comparable to the previous reporting period.

27. The military component remains deployed at nine team sites and at liaison offices in Tindouf and in Dakhla. From 16 March 2011 to 15 March 2012, MINURSO performed 8,335 ground patrols and 530 aerial patrols, including air reconnaissance, to visit and monitor units of the Royal Moroccan Army and the military forces of Frente Polisario for adherence to the military agreements.

28. MINURSO continued to maintain good relations and communications with the Royal Moroccan Army and with the Frente Polisario, albeit with divergences of opinion between the Mission and each party regarding compliance with military agreement No. 1, particularly concerning the status of long-standing violations. Both sides continued to abstain from direct contact with each other; all known contact between the two armed forces continued to take the form of written communications through MINURSO.

29. MINURSO observed and recorded 25 new violations of the military agreement by the Royal Moroccan Army, compared with 126 recorded during the previous reporting period. The violations in the restricted area included the construction of new buildings, the deployment of heavier calibre artillery pieces to replace older equipment in the Smara and Mahbas subsectors, the construction of an antenna tower for a global system for mobile communications (GSM) and the installation of a new mobile radar in the Smara subsector, bringing to 47 the total number of mobile and fixed-radar violations since 2005.

30. In October 2011, the Royal Moroccan Army requested authorization from MINURSO to build nine towers with associated shelters to deploy GSM antennas, eight inside the restricted area and one in the area of limited restrictions. MINURSO did not approve the requests for the eight antennas inside the restricted area, which would constitute violations of the military agreement by virtue of the location, communications and tactical advantages that GSM technology conveys. The construction of one GSM tower within a Royal Moroccan Army compound inside the restricted area was confirmed by MINURSO in December 2011 to be a violation. The Royal Moroccan Army contested the violation confirmation by letter, indicating

that the antenna installation was for civilian purposes that were outside the scope of military agreement No. 1.

31. The Royal Moroccan Army also constructed four new stone walls, continued to extend the existing six stone walls and increased the lengths of the two trenches in the Bir Gandouz area in contravention of military agreement No. 1.

32. During the reporting period, MINURSO monitored the 314 Royal Moroccan Army observation posts that have been considered, since 2009, as a temporary deployment line 15 km west of the berm (S/2009/200, para. 21). Solid sl. ers have now replaced tent accommodations in 251 of the observation posts, in order to shield the troops from weather conditions. MINURSO continued its efforts to resolve these issues in compliance with military agreement No. 1.

33. MINURSO observed and recorded seven new violations by the military forces of Frente Polisario, compared with 12 recorded in the previous reporting period. The violations were primarily related to Frente Polisario military personnel and equipment entering or travelling through the buffer strip.

34. Long-standing violations committed by the Royal Moroccan Army rose from eight, during the previous reporting period, to nine, with the replacement of 130mm by 155mm artillery pieces in subsector Houza in November 2011, for a total of 59 long-standing violations. The total of long-standing violations committed by Frente Polisario decreased from four to three, with the withdrawal of an anti-aircraft artillery gun from one of its observation posts in the restricted area. My Special Representative and the MINURSO Force Commander held several meetings with the senior military officials of each side to clarify the ceasefire requirements and urge strict compliance by the parties with the provisions of military agreement No. 1. While both parties have suggested that the agreement should be revised, their intended adjustments are mutually exclusive. Frente Polisario maintains that closer monitoring of all aspects of Moroccan activity west of the berm is required in order to uphold the ceasefire and agreement provisions. For its part, the Royal Moroccan Army holds that its violations of the agreement, primarily in the form of new construction in the restricted area, are preventative safety and security responses to evolving regional security threats. It also maintains that the civilian purpose and construction of the GSM facility (see para. 30) does not come under MINURSO oversight, despite the restricted area location.

35. In this vein, the Permanent Representative of Morocco to the United Nations wrote to me or to the Under-Secretary-General for Peacekeeping Operations on three occasions to contest MINURSO reports of Royal Moroccan Army violations of the military agreement, indicating that the actions were either not violations or were justified by the need to secure the southern area against illegal activities and security challenges in the region. The Mission continues to work with both parties towards agreed, identical amendments of the agreement, although the distance between their positions has not decreased.

36. The increase in restrictions on the freedom of movement of MINURSO military observers cited in my previous report was reversed during the reporting period. A single freedom-of-movement violation was committed by the Royal Moroccan Army on 5 May 2011, when MINURSO was prevented from visiting company headquarters in subsector Bin Gandouz; no movement restrictions were imposed by Frente Polisario.

37. MINURSO received 14 allegations of violations of military agreement No. 1 from the Royal Moroccan Army concerning claimed incursions by Frente Polisario in the buffer strip. Frente Polisario submitted three allegations of violations concerning claimed Royal Moroccan Army helicopter overflights and berm repositioning. After an investigation conducted by MINURSO, the allegations were either not confirmed or could not be confirmed due to lack of evidence.

38. MINURSO received and reviewed 251 requests from the Royal Moroccan Army regarding the construction or maintenance of buildings and facilities inside the restricted area and the destruction of mines and explosive remnants of war. Ninety-one of the requests concerned new constructions of buildings inside existing compounds; 85 were for time extensions for the completion of projects already approved; 29 were for maintenance activities; and 46 were for the destruction of ammunition. Of those requests, MINURSO approved 245 and rejected six. MINURSO received and approved one Frente Polisario request regarding the construction of a guard post near a team site.

39. MINURSO received 225 notifications from the Royal Moroccan Army concerning firing and tactical training exercises, the movement of troops, equipment and weapons, VIP and maintenance helicopter flights, and the destruction of mines and explosive hazards in the area of limited restrictions. MINURSO received 12 notifications from Frente Polisario concerning firing and tactical training exercises, the movement of troops, equipment and weapons, and visits in the area of limited restrictions. MINURSO monitored all the notified activities.

40. Within its capabilities, MINURSO provided medical support for the UNHCR programme on confidence-building measures and emergency medical services, including casualty evacuation, to the local population on a humanitarian basis. During the reporting period, one such evacuation was carried out east of the berm.

41. Helicopter operations continued to be the most effective method of monitoring compliance by the parties with military agreement No. 1 since they can cover large areas of ground in a short time. Due to budget cutbacks for the 2011/12 budget period, the Mission's helicopter fleet was reduced from three to two, which had a detrimental effect. Helicopter reconnaissance patrols were reduced and overall air patrols have been reduced by approximately 25 per cent.

42. With the increase in monitoring requirements related to the growth in military infrastructure west of the berm, the MINURSO military component needs to be strengthened. Military observers on the west side visit 570 units and monitor 29 training areas, 314 observation posts along a second deployment line west of the berm and the several long-standing stone wall and trench violations in the Bir Gandouz subsector. East of the berm, the military observers regularly visit 93 units, 8 training areas and 38 observation posts. The military observers also monitor the security situation to keep the Mission abreast of illegal activities that could affect the safety of the observers in the area. It is assessed that an additional 15 military observers are necessary to address the increase in monitoring requirements.

B. Substantive civilian activity

43. My Special Representative continued to maintain regular contacts with the parties to discuss MINURSO mandate implementation and Mission operational matters and to employ his good offices function to promote the resolution of the technical issues between them. Recurring meetings were held with Moroccan and Frente Polisario authorities and with the diplomatic community in Rabat and Algiers.

44. MINURSO political affairs and public information officers continued to monitor and report on developments in the Territory and the region, supported my Special Representative's good offices and liaison activities with the parties, regional officials and diplomatic corps, and through that reporting, assisted in keeping the Personal Envoy informed of developments in and related to the Territory. The Mission's political office maintained constructive relations with the respective Moroccan and Frente Polisario Coordinators with MINURSO and relevant authorities, as envisioned under the political office functions set out in Security Council resolution 1056 (1996), and briefed and periodically accompanied organizational, foreign and media visitors to the Territory. Opportunities to facilitate any other effort that could help to set the parties on a course towards an agreed formula for the resolution of their differences were limited; the office thus focused its efforts on local developments and situational analysis, drawing on open source information.

45. To the extent possible, the substantive civilian staff observed the various and largely peaceful demonstrations and protests held in the Territory throughout the reporting period. In the Tindouf area, the MINURSO liaison office observed the proceedings of the 13th Frente Polisario Congress and the preceding youth protests calling for Polisario reforms. As indicated in paragraph 5, my Special Representative and a political affairs officer deployed to Dakhla separately in the aftermath of the September 2011 clashes to calm and assess community tensions. The Moroccan authorities objected to MINURSO involvement, indicating that the Mission had strayed beyond its mandate. They also advised the Mission that no MINURSO office presence could be established outside Laayoune.

46. Below the level of the Special Representative, all civilian meetings are requested through and approved by the Moroccan Coordinator with MINURSO west of the berm and the Frente Polisario Coordinator with MINURSO in Tindouf. Freedom of movement is unhindered west of the berm, but access to external contacts is controlled, and monitored, which has an effect on interaction with the full spectrum of local interlocutors. In parallel, the Moroccan police presence outside the compound discourages visitors from approaching MINURSO in an independent capacity. There have also been indications that the confidentiality of the communications between MINURSO headquarters and New York has, at least on one occasion, been compromised. East of the berm, the Territory is sparsely populated; relations between Mission personnel and the civilian population are unrestricted but infrequent. For interactions with Frente Polisario officials in the Tindouf area, the practice has evolved to include seeking assistance with arrangements from the Frente Polisario Coordinator. In visits to the refugee camps, Algerian gendarmerie escort MINURSO civilian personnel midway from the airport to the camps. After the 23 October 2011 abduction of three humanitarian workers

from the Tindouf area (see para. 51), Frente Polisario also escorts MINURSO personnel from the midway point to the camps.

C. Mine action

47. The widespread contamination caused by landmines and explosive remnants of war throughout Western Sahara continues to pose threats to the local population, MINURSO military observers and logistics teams. Since the August 2009 accident involving four military observers, the Mission has continued to take steps to ensure the safety of United Nations personnel, with the enhanced assistance of the Mission's Mine Action Coordination Centre being a key element.

48. A fatal accident occurred east of the berm, involving a local explosive ordnance expert in the course of his duties. Mine action activities east of the berm are supported by the Mission and the Voluntary Trust Fund for Assistance in Mine Action and are implemented by a partnership between the non-governmental organization, Action on Armed Violence, and the commercial contractor, Mechem. With staff from the local population trained in explosive ordnance disposal, the teams destroyed 8,260 items, including aircraft bombs, artillery projectiles, tank munitions, mortar bombs and hand grenades, in more than 500 contaminated locations. Of the 229 areas known to have cluster munitions remnants, the teams cleared 209. Trading posts and vegetable farms were established along previously contaminated routes, and a school was built on land previously contaminated with cluster munitions. More than 300 km^2 of known minefields remain to the east of the berm.

49. West of the berm, six accidents, resulting in two fatalities and injuries to eight civilians and four military personnel, were reported by the Royal Moroccan Army. The scope of contamination is not fully known west of the berm. The Royal Moroccan Army reported the destruction of 9,026 mines and 461 unexploded ordnance during the reporting period.

50. In an effort to expand confidence-building and technical cooperation, my Special Envoy requested the Acting Director of the United Nations Mine Action Service to visit the region in July 2011. The mission was welcomed by both parties and included constructive discussions on the implementation of international mine action standards on both sides of the berm, the use of mechanical assets to accelerate clearance, the stockpile destruction of anti-personnel mines east of the berm and the potential marking of the barrier minefield along it.

D. Safety and security

51. The area of operation was not immune from the repercussions of instability elsewhere. Of grave concern, one Italian and two Spanish humanitarian workers, who were engaged with aid groups working in the refugee camps, were kidnapped from Rabouni, near Tindouf, on 23 October. They have not yet been released. Some sources have indicated that the "Movement for Unity and Jihad in West Africa", said to be an Al-Qaida splinter group in the Islamic Maghreb, has claimed responsibility.

52. Following the abductions, my Special Representative in Western Sahara led a delegation, comprising MINURSO security and military personnel and Geneva-

based UNHCR representatives, joined by security experts from the United Nations country team in Algeria, to Algiers and Tindouf for discussions with officials of the Government of Algeria and Algiers-based diplomats on the incident, as well as for on an examination of security enhancements for United Nations and humanitarian personnel in the area. The delegation also visited the refugee camps in Rabouni, meeting with United Nations staff and Frente Polisario officials for the same purposes. MINURSO took immediate steps to ensure the safety of all personnel in both Tindouf and east of the berm, involving strengthened cooperation and security measures, movement restrictions, raising the security level in Tindouf and east of the berm, as well as operational adjustments and team site fortifications.

53. The abduction incident was the first of its kind since the Mission was established. The instability of the security situation in the region poses a spillover risk to unarmed military observers operating in proximity to porous borders east of the berm and is a matter of concern. In the aftermath of the incident and amid a reported increase in the regional operations of the Movement for Unity and Jihad in West Africa, and in criminal activities and weapons proliferation in the Sahel after the October 2011 fall of the Libyan regime, MINURSO reviewed security conditions and updated its security risk assessment for all team sites east of the berm, where military observers are posted in remote locations, are isolated from Frente Polisario support units and are vulnerable to potential attacks. In cooperation with Frente Polisario, the Mission took additional risk mitigation measures, including 24-hour static security guards. It also improved team site fencing and lighting, siren and alarm installation, surveillance cameras and monitors, and satellite vehicle tracking systems.

E. Persons unaccounted for in the conflict

54. The International Committee of the Red Cross continued to work with the parties and families concerned in pursuing the question of persons still unaccounted for in relation to the conflict.

F. Assistance and protection to Western Saharan refugees

55. The Office of the United Nations High Commissioner for Refugees, the World Food Programme (WFP), the World Health Organization and the United Nations Children's Fund (UNICEF) continued to provide protection and assistance to Western Saharan refugees in the camps near Tindouf. The organizations also worked with the European Community Humanitarian Office, the Spanish Agency for International Cooperation and Development and several international and local non-governmental organizations to provide the assistance in this regard. UNHCR enhanced its protection presence and monitoring through direct interaction with the refugees, constructing new field offices in all the camps to bring services closer to them. It also supported legal establishments operating in the Tindouf camps and provided incentives and training to lawyers and judges.

56. During the reporting period, the main areas of support comprised food and water distribution, sanitation, education, transport and logistics, health, agriculture, shelter, protection, and community services. Pending an assessment of the beneficiaries, WFP continued to provide 90,000 general food rations and 35,000

supplementary general food rations to the most vulnerable refugees each month, while UNHCR added complementary food. The two agencies also conducted 45 general food basket distribution visits to different food distribution points in the camps each month, as determined by a joint needs assessment.

57. UNHCR and WFP, through their implementing partner, Algerian Red Crescent, conducted a supplementary feeding programme to moderately malnourished children under 5 years of age, and to pregnant and lactating women in all camps, distributing two new food products, the introduction of which was preceded and accompanied by education campaigns to ensure their acceptance and effective use.

58. UNHCR also provided support to the nursing school, conducting training courses for nurses and midwives and supplying products and teaching aids. It continued to support the community-based therapeutic centre programme and provided the Saharan health facilities with the needed consumables for dental clinics, X-ray services and the required laboratory reagents/equipment, covering about 70 per cent of the total need. In order to increase awareness about sexually transmitted infections, UNHCR initiated a pilot project focusing on HIV/AIDS and hepatitis. UNICEF continued to implement its Expanded Programme on Immunization, including capacity-building and cold chain maintenance to protect children.

59. UNHCR continued to provide support to a number of vocational centres for women, youth and persons with disabilities during the reporting period. In addition, a UNHCR income-generating agricultural project involving the small-scale manufacturing of sweets in the Dakhla camp was inaugurated.

60. UNHCR rehabilitated six schools in the camps to accommodate the sudden return of Western Saharan students from Libya and to train teachers in curriculum development and pedagogy. Since 2008, 25 students have been recipients of UNHCR scholarships. UNICEF also provided school supplies for the education sector.

61. UNHCR continued to supply the refugees with potable water, constructing new water networks to reduce the cost of water delivery by truck. Solidaridad International, a Spanish non-governmental organization, installed water systems in all the camps with funding from the European Community Humanitarian Office and UNHCR. Local staff members at the Saharan water department were trained on the technical aspects of water treatment.

62. WFP provided logistics support at the warehouses at the extended delivery point, which are managed by the Algerian Red Crescent and the Red Crescent in Western Sahara, on a daily basis. In October 2011, WFP and UNHCR fielded a joint assessment mission, to evaluate the implementation of the operation since the last assessment in 2009, reviewing the gaps in the main sectors of interest — food, health, education and water, sanitation and hygiene. The mission visited all camps, met with camp representatives and sector authorities and collected vital household data.

63. Pursuant to the recommendation contained in my report of 6 April 2010 (S/2010/175, para. 75) and to Security Council resolution 1979 (2011), in which the Council requested UNHCR to maintain its consideration of a refugee registration in the refugee camps, in line with its mandate and principles, UNHCR continued its dialogue with the host country.

G. Confidence-building measures

64. With the cooperation of the parties, UNHCR continued to implement the confidence-building measures programme to facilitate contact and communication between Western Saharan refugees in the Tindouf camps and their families in the Territory west of the berm. MINURSO provided logistics support to the programme through air transport, police officers to facilitate preparations and serve as escorts, and medical staff. Family visits and cultural seminars remain the two fundamental components of the updated plan of action for the measures, as agreed with the parties in January 2012.

65. The confidence-building measures programme encountered unanticipated challenges following the kidnapping of the three humanitarian workers in Rabouni. Following the incident, MINURSO security mitigation measures restricted the movement of United Nations personnel, and UNHCR suspended missions to the refugee camps and postponed family visit flights scheduled between 28 October and 4 November. In coordination with MINURSO, UNHCR undertook an assessment mission to evaluate security arrangements and seek advice and assurances on staff safety from the Government of Algeria and Frente Polisario. The family visit flights resumed on 14 November after the introduction of special security and escort procedures.

66. Between 2004 and the end of 2011, the total number of registered persons in the camps near Tindouf and in the Territory was 42,603. Of this number, 12,316 persons have benefited from the family visit programme. In order to simplify the existing family visit procedures for travel by air, UNHCR conducted a mass verification exercise from 11 July to 11 October for families registered in the confidence-building measures programme. A total of 6,651 persons were verified. Pre-cleared lists of potential families were shared with the parties, from which a final list for each flight will be submitted to both parties. The parties subsequently agreed to the seven-step pre-departure preparation procedures presented by UNHCR to streamline the process. Earlier in the year, UNHCR conducted a general registration exercise for the purpose of maximizing the number of beneficiaries, and to verify and update the old registration lists.

67. In April 2011, UNHCR jointly undertook a road reconnaissance mission with MINURSO to explore the possibility of expanding family visit activity through the inclusion of travel by road. Due to logistics complications and funding requirements, this option did not prove feasible in the short term. During a meeting convened on 24 and 25 January by UNHCR in Geneva, on the confidence-building measures, the parties agreed to maintain — but put on hold — the road option as a possibility to increase the number of beneficiaries. In the interim, they agreed to seek a larger aircraft with a carrying capacity of 150 passengers, potentially increasing the number of beneficiaries of the family visits to 6,000 annually. The UNHCR-chartered aircraft will operate under the same arrangements as MINURSO aircraft under the status of mission agreements with Morocco and Algeria. Now that the aircraft has been secured and is scheduled to commence flights on 11 April, both MINURSO and UNHCR will need to augment their support for the expansion of the programme.

68. From 12 to 16 September, UNHCR organized a seminar in Madeira, Portugal, on Hassaniyya culture, traditional heritage and practices. The seminar was attended

by 34 participants drawn equally from the Territory and from the Tindouf camps in Algeria. At the Geneva meeting on the confidence-building measures, the parties and the two neighbouring countries acknowledged the positive outcome of the seminar and agreed that another cultural seminar should be held in Portugal, in agreement with its Government. UNHCR plans to organize that seminar and an additional such one during the coming period.

69. Following engagement with the parties by the United Nations High Commissioner for Refugees, António Guterres, and my Personal Envoy, UNHCR chaired the meeting on confidence-building measures held on 24 and 25 January. Participants included the representatives of the parties, Algeria and Mauritania as observers, my Personal Envoy and my Special Representative. The participants reaffirmed the importance of the confidence-building measures programme and the need to find ways and means to maximize the links between families who have been divided for 36 years due to the conflict. The parties expressed their commitment to cooperate fully with UNHCR in implementing confidence-building activities, in accordance with its mandate and principles, and to preserve the humanitarian character of the confidence-building measures operation. They also made a commitment to ensuring full and unhindered access by UNHCR to the refugee camps in Algeria and to beneficiaries of the confidence-building measures in the Territory.

70. In addition to the agreements concerning the family visit programme, preparation procedures and suspension of the road option, participants agreed that UNHCR should assess options for the use of new information technologies to facilitate communication links between the families. They also reiterated their agreement to hold at least twice-yearly coordination meetings to review progress on the confidence-building measures programme, discuss issues of mutual concern and support UNHCR in organizing an evaluation of the programme as a lessons learned exercise in 2012, and adopted the updated January 2012 UNHCR plan of action for implementation of the measures.

H. Irregular migrants

71. No irregular migrants were recorded in Western Sahara during the reporting period.

I. Human rights

72. Frente Polisario continued to appeal for the protection of the human rights of Western Saharans and for an independent monitoring mechanism in the Territory during the period. Frente Polisario leader Abdelaziz addressed 17 letters to me alleging violations of the human rights of Western Saharans by Moroccan security forces in various locations of the Territory, involving intervention in or repression of the demonstrations cited in paragraph 2 above. The allegations also concerned the conditions of detention and trial before military courts of Western Saharans suspected of involvement in the November 2010 Gdim Izik violence, as well as repression by Moroccan security forces of demonstrations held in solidarity with the prisoners.

73. The Government of Morocco has provided information to the Office of the United Nations High Commissioner for Human Rights (OHCHR) on actions it has taken regarding the human rights situation in Western Sahara. In the context of the reforms of King Mohammed IV, the Government established a regional commission of the National Council of Human Rights for Laayoune, Boujdour, Smara and Tarfay, and one for Dakhla and Aousserd. Both commissions became operational in December 2011. At this early stage of their existence, it is not possible to evaluate their impact.

74. The Government of Morocco also informed OHCHR of its follow-up on the recommendations made by the Parliamentary Commission of Inquiry, which was established in 2011 to investigate the violence surrounding the dismantling in November 2010 of the Gdim Izik camp near Laayoune. After investigation, the Commission recommended compensation for all victims. The Government reported that a number of Western Saharans who had been victims of violence during the dismantling of the camp, had filed compensation claims and were awaiting a final decision. The Government also noted that other victims (who had not filed claims) had received compensation on the basis of a mediation procedure.

75. During the past year, there were developments regarding Western Saharan activists. On 14 April 2011, the Casablanca Court of Appeals provisionally released Western Saharan activists Ali Salem Tamek, Brahim Dahane and Ahmed Naciri, after 18 months in pretrial detention. They were arrested alongside four other activists in October 2009, upon their return from a visit to the refugee camps in Tindouf. The trial of the seven defendants charged with "harming Morocco's internal security" started in October 2010, but has been postponed repeatedly. A verdict has yet to be announced in the case.

76. The Government of Morocco informed OHCHR that the central prosecutor within the Court of Appeals of Laayoune had ordered an investigation into the violent events of 25 September in Dakhla (see paras. 3 and 4). Following a trial by the same court in relation to the incident, 10 Western Saharans were sentenced to prison terms ranging from 4 to 10 years, on criminal charges. Sixteen others are still detained in a prison in Laayoune pending the completion of their trials.

77. According to information received by OHCHR, some 120 Western Saharans, including women, were tried for a range of charges, including violence against civil servants, before the Laayoune Civil Court of Appeals. They were provisionally released after almost one year in pretrial detention, pending the verdict. In addition, 23 of the 120 are currently facing trial before the Permanent Military Tribunal of the Royal Armed Forces in Rabat, on charges referring to "constitution of criminal gangs and violence against security enforcement officers". As stated by the Human Rights Committee on the right to a fair trial, set forth in article 14 of the International Covenant on Civil and Political Rights, the use of military or special courts to try civilians raises serious problems as far as the equitable, impartial and independent administration of justice is concerned, and should be exceptional and in full compliance with the guarantees under article 14 (CCPR/C/GC/32, para. 22). The Committee has recommended that every individual be tried by ordinary courts or tribunals using established legal procedures in accordance with international human rights instruments.

78. In early November 2011, the above-mentioned group of 23 detainees started a hunger strike in the prison of Salé (located outside Rabat), protesting against their

detention conditions and demanding their release from the prison. After 38 days on the hunger strike, a committee composed of members of the National Council of Human Rights and the National Delegation for Prison Administration — a Moroccan governmental body dealing with prisons — initiated a dialogue with the detainees. Following the assurance of the committee to guarantee the improvement of their detention conditions and to allow national and international observers to monitor future hearings, the detainees agreed to suspend their hunger strike on 7 December.

79. On 13 January 2012, after more than one year of the pretrial detentions, the Permanent Military Tribunal of the Royal Armed Forces in Rabat postponed all further hearings indefinitely, and 2 of the 23 detainees were transferred to a hospital due to critical health conditions. On the same day protests in solidarity with the 23 detainees were reportedly broken up by Moroccan security forces in Laayoune.

80. In November 2011, in its consideration of Morocco's fourth periodic report, the Committee against Torture expressed concern about the alleged use of excessive force by Moroccan law enforcement officers and security personnel. The Committee also raised concern about alleged cases of arbitrary arrest and detention, detention in secret places, torture and ill-treatment, the extraction of confessions under torture and excessive use of force.

81. During the reporting period, OHCHR received allegations of poor detention conditions in the prison of Salé. In addition, alleged acts of torture and degrading treatment in the custody of police forces have been reported to the Prosecutor's Office. It remains unclear as to whether or not investigations into violations by law enforcement personnel have been initiated.

82. While Morocco has not yet formally extended a standing invitation to all special procedures, three were engaged during the reporting period. In the context of her official visit to Morocco, the independent expert in the field of cultural rights visited Dakhla on 14 September 2011. She recommended that measures limiting the cultural rights of the population of Western Sahara should be immediately revoked, and reported that a number of Saharawi had been unable to give their children Hassani names. On 24 February 2012, the Government of Morocco confirmed that the visits to Morocco and Western Sahara by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment would be conducted from 15 to 22 September 2012.

83. From 13 to 20 February 2012, the Working Group on Discrimination against Women in Law and in Practice conducted an official visit to Morocco. Owing to time and logistical constraints, the Working Group was unable to travel to Laayoune or Dakhla in Western Sahara.

84. It is too early to assess the full impact of the Human Rights Council monitoring mechanisms in this context, although some limitations are apparent due to the scope of the remit and structure of engagement by special procedures, which preclude sustained and comprehensive monitoring. There are currently 36 thematic special procedures mandates that address a wide range of human rights issues. Each has a mandate to report and advise on human rights from the individual thematic perspective. Each covers the situation in all States Members of the United Nations and each conducts visits to two or three States annually.

V. African Union

85. MINURSO continued its cooperation with the observer delegation of the African Union, led by its Senior Representative, Ambassador Yilma Tadesse, of Ethiopia. I wish to reiterate my appreciation of the African Union for its contribution. MINURSO continued to support the African Union delegation in Laayoune, with logistics and administrative assistance drawn from its existing resources.

86. On 3 and 4 September 2011, my Special Representative attended a high-level meeting in Cairo, organized by the African Union, where common strategies and enhanced cooperation towards advancing peace in Africa were discussed. The meeting followed up that held in Cairo from 26 to 28 August 2010, jointly organized by the United Nations and the African Union.

VI. Financial aspects

87. The General Assembly, by its resolution 65/304, appropriated the amount of $61.4 million for the maintenance of MINURSO for the period 1 July 2011 to 30 June 2012. Should the Security Council decide to extend the mandate of MINURSO beyond 30 April 2012, the cost of maintaining the Mission until 30 June 2012 would be limited to the amounts approved by the General Assembly. The proposed budget for MINURSO for the period 1 July 2012 to 30 June 2013 in the amount of $58.7 million (exclusive of budgeted voluntary contributions in kind) has been submitted to the General Assembly for consideration during the second part of its resumed sixty-sixth session.

88. As at 19 March 2012, unpaid assessed contributions to the Special Account for MINURSO amounted to $46 8 million. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to $2,440.3 million.

89. As at 19 March 2012, amounts owed to troop contributors totalled $0.43 million. Reimbursement of troop and contingent-owned equipment costs have been made for the period up to February 2011 and October 2010, respectively, due to insufficiency of cash in the special account of the Mission.

VII. Challenges to the Mission's operations

90. In its resolution 1979 (2011), in which it renewed the mandate of MINURSO until 30 April 2012, the Security Council requested that, in my next report, I examine the existing challenges to MINURSO operations, reflecting on the situation on the ground. The challenges fall into three categories: those related to the mandate, military and substantive civilian activities, and the security conditions.

91. In terms of the Mission's mandate, the principal purpose of establishing MINURSO was to organize and supervise a referendum on Western Sahara's self-determination and, as a supportive function, to monitor the ceasefire between the parties and maintain the military status quo. The stalled political process has meant that MINURSO has not been able to implement a referendum or continue organizational preparations for the transition process. The MINURSO mandate is thus de facto restricted to monitoring the ceasefire, and since the original mandate

anticipated an imminent referendum, the Security Council's instructions on ceasefire monitoring were general in nature.

92. The complete suspension of referendum activities in 2003, combined with the diminished international profile of the conflict and changes in the operational environment, have encouraged the parties to develop their own, not always compatible, interpretations of the Mission's mandate. Morocco favours a narrower military peacekeeping operation, while Frente Polisario expects broader monitoring of the welfare of the population and inclusion of a human rights mechanism as in other peacekeeping missions. Such divergent interpretations have led to an approach to the Mission which has, over time, eroded the Mission's authority, weakened MINURSO functions and brought about deviations from standard peacekeeping practices.

93. Challenges related to the military and substantive civilian activities of MINURSO are also grounded in derogations from generally accepted peacekeeping principles, norms and practices. For example, the requirement that MINURSO vehicles display Moroccan diplomatic licence plates and Moroccan flags around MINURSO headquarters create an appearance that raises doubts about the neutrality of the Mission.

94. Military monitoring and reporting of violations suffer from the lack of precise ceasefire terms and the Mission's lack of authority to prevent or rectify non-compliance. Military agreement No. 1, agreed by each side in 1997 and 1998, regulates military equipment, new defensive construction and deployments in the restricted areas adjoining the berm in order to maintain the 1991 status quo. Neither side fully respects the agreement. Morocco stresses the scope of security threats in the southern reaches of the Territory as justification for non-compliant military measures. Previous Frente Polisario irregularities have been attributed to individual commanders, but seem also to have been utilized as a means of protesting the stalemate in the political process. These factors have undermined the Mission's ability to monitor and report consistently on the situation on the ground, and to uphold the spirit and letter of the ceasefire and military agreements and the deterrent effect of the United Nations international presence.

95. MINURSO is responsible for monitoring, assessing and reporting on local developments affecting or relating to the situation in the Territory, maintenance of the ceasefire, and political and security conditions affecting the peace process led by my Personal Envoy. These standard peacekeeping mission functions provide the Secretariat, the Security Council and my Personal Envoy with information and analysis pertaining to the situation in Western Sahara, especially since MINURSO is the only international presence in the Territory apart from a small UNHCR office that facilitates the confidence-building measures programme. Ideally, MINURSO officers would have unfettered access to the full spectrum of interlocutors west of the berm and in the Tindouf area for these purposes, be they local or national officials, opposition activists or civil society leaders.

96. East of the berm, security of MINURSO personnel is a growing concern affecting operational activities. Threats from the deterioration of security in the Sahel, gaps in regional security coordination, reported arms proliferation from the Libya conflict, and resource shortages for border control and for stronger security measures expose military observers to increased risks. Night patrols have been suspended since the 2008 ambush of Mauritanian troops near Mauritania's border

with Western Sahara; MINURSO has also experienced incidents of confrontation with smugglers. Out of concern for the security of MINURSO military observers, Frente Polisario advised MINURSO to limit its movements, following the October 2011 abductions in the Tindouf area. MINURSO and Frente Polisario have put additional security measures in place, though more may be needed depending on further developments and the gravity of security implications.

97. Both parties guarantee MINURSO freedom of movement and access to interlocutors, provided that the parties' forces are treated equally, according to Frente Polisario, and according to Morocco, conditioned by the bounds of established practice. Established practice is at the core of the challenges facing MINURSO operations. It has become increasingly difficult for MINURSO to fulfil mandate implementation requirements in a credible manner, given the constraints that have evolved over time.

VIII. Observations and recommendations

98. During the reporting period, the three rounds of informal talks between the parties, their two meetings on natural resources and confidence-building measures, and the numerous bilateral consultations that my Personal Envoy held with them, confirmed that the parties continue to have the political will to meet, but not as yet to engage in substantive negotiations towards the objective set forth by the Security Council in successive resolutions, namely, "a just, lasting, and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara".

99. Each party reads history, the successive resolutions of various United Nations organs, the doctrine and practice of the United Nations, and the domestic, regional and international atmosphere, as well as the consequences of the Arab Spring, as justifying and bolstering its position. The result is positions that present seemingly unbridgeable differences on both the purpose of the negotiating process and the means of satisfying the requirement for self-determination.

100. Frente Polisario argues that Western Sahara is a non-self-governing Territory whose final status must be settled through an exercise of self-determination, as foreseen in Security Council resolutions and defined in General Assembly resolutions. In Frente Polisario's view, the parties must therefore accept the need for several possible options and for a referendum that presents the options to the people of Western Sahara for decision, in line with traditional United Nations doctrine and practice. In addition, Frente Polisario believes that key stakeholders support the positions and that the logic of the Arab Spring requires that the people of Western Sahara enjoy freedom of expression and peaceful assembly to make their views known.

101. Morocco argues that Western Sahara should enjoy advanced autonomy within its sovereignty and that this "compromise" between independence and integration into Morocco is the only solution to the conflict. In Morocco's view, the Council's call for negotiations with "realism and in a spirit of compromise" recognizes Morocco's proposal, and the parties should negotiate the details of autonomy. Furthermore, Morocco believes that current United Nations doctrine and practice allow for self-determination through negotiations and a confirmatory referendum, that important stakeholders support these positions, and that the logic of the Arab

Spring has been applied to Western Sahara by extending Morocco's democratic reforms to the Territory.

102. Despite the manner in which the parties read domestic, regional and international developments, it is clear that the environment surrounding the conflict is changing on many levels. Over time, the changes could enable the parties to begin modifying their positions on the purpose of the negotiating process and the means of satisfying the requirement for self-determination. In so doing, they could present new opportunities for a settlement that enjoys the support not only of the parties but also, importantly, of the people of Western Sahara.

103. However, it is also possible that, despite changes in the environment, the parties will continue to hold to their mutually exclusive positions as enshrined in the two proposals presented to the Council in April 2007, with the result that the status quo is likely to persist. The consequences of such a situation would merit close attention in time.

104. Absent a new framework, my Personal Envoy will continue his established pattern of activities, including those outlined in paragraph 120 of my previous report. To that end, he will continue to explore the possibility of convening a group reflecting a cross-section of the people of Western Sahara for consultations and dialogue as a way of generating new ideas to present to the negotiators. In addition, he will explore the possibility of convening a group of respected representatives from the five states of the Arab Maghreb Union for the same purpose, in recognition of the fact that the Western Sahara conflict is North Africa's remaining major dispute.

105. As another means of fostering the development of new ideas, my Personal Envoy will also encourage the parties to facilitate visits by diplomats, legislators, journalists and others to permit the international community to gain a greater understanding of the views of those directly affected by the conflict. Ultimately, any settlement that the parties reach will require the support of the people of Western Sahara for it to be just, lasting and mutually acceptable and if future tensions are to be avoided.

106. As noted in my previous report, addressing human rights issues is also important for the larger resolution of the conflict. All parties have responsibilities to ensure the protection of human rights. Efforts have been undertaken in this regard, but human rights issues continue to be raised with regard to the people of Western Sahara, demonstrating that concerns still exist. It is important that the mechanisms to address the situation, as envisaged in paragraph 121 of my previous report, are given full and immediate effect. Hence, the efforts noted require further and more focused engagement with the situation in Western Sahara and the camps.

107. I welcome the anticipated family visit capacity expansion to increase the number of refugees and their family members, divided by the conflict for many years, who can benefit from the programme, and recommend an increase of six MINURSO police officers to support the expansion. I also note the successful inter-Saharan cultural seminar, and the parties' commitment to continue constructive cooperation with UNHCR in the effort to alleviate the divisive effects of the conflict. I would also like to thank Algeria and Mauritania for their support of the humanitarian family visit programme.

108. I am pleased to note the progress made in the clearance of landmines and explosive ordnances of war and the decrease in mine accidents recorded since my previous report. These invaluable activities contribute directly and positively to the safety of the civilian population as well as of United Nations personnel. I also note the positive reception and constructive discussions held by each party with the United Nations Mine Action Service on the implementation of International Mine Action Standards on both sides of the berm. To sustain this vital work, I call upon donors to support the efforts of the parties and of MINURSO in order to take advantage of the progress and investments made to date.

109. At present, the main tasks of MINURSO comprise monitoring of the ceasefire agreement between the parties; reporting on the military activities of both sides and on developments in and affecting the Territory; demining activities; and the provision of logistic support to the UNHCR confidence-building measures programme. Within the constraints in which it operates, MINURSO has maintained its ceasefire monitoring function, and its presence on the ground has played an important role in deterring the parties from breaking the ceasefire agreement or resuming hostilities. It has made good progress in demining, clearing vast areas of the Territory and effectively facilitating the family exchange visits under UNHCR auspices.

110. In monitoring the ceasefire agreement, the MINURSO military observers contend with a range of situational and capacity challenges in the course of their duties. They monitor a total area of 104,000 km^2 and, within it, the berm of 1,600 km. Lacking the capability to cover the entire 266,000 km^2 of the Territory, the military observers now focus their main monitoring efforts on the berm and the restricted areas on either side, through ground patrols and air reconnaissance, in order to observe and report on compliance with the ceasefire under the terms of military agreement No. 1. The military observers perform a number of related tasks that are equally critical to the deterrence role of the Mission, in order to assure each side of the other's non-aggressive intentions and to resolve issues or tensions when they arise. They investigate and verify violations of military agreement No. 1 and respond to requests concerning prohibited activities and notifications of permissible activities from both parties. In addition, the military observers investigate, to the best of their abilities, the allegations of one side against the other and ensure that each side is duly informed of the conclusions.

111. The Mission's ability to fully monitor and assess the situation in the Territory and to interact with the full spectrum of interlocutors is essential, as illustrated in the context of the violence in Dakhla following a sports event. I regret the loss of life in the ensuing clashes on 25 September and am concerned by the evidence of simmering community tensions in the western part of Territory, another consequence of the absence of a peace agreement between Morocco and Frente Polisario, and the continuing status quo in Western Sahara. I am equally concerned by the deterioration of security conditions in the region, which expose the military observers east of the berm to uncertain risk. I express my sympathy to the humanitarian workers abducted from Tindouf and their families and appeal for the victims' immediate and unconditional release.

112. I have outlined a series of challenges in the present report, which demonstrate that MINURSO is unable to exercise fully its peacekeeping monitoring, observation and reporting functions or avail of the authority to reverse the erosion of its mandate

implementation capabilities on its own. I seek the Council's support to sustain the peacekeeping instrument, as it was intended to operate, for three critical purposes: (a) as an instrument of stability in the event that the political stalemate continues; (b) as a mechanism to support implementation of successive Security Council resolutions related to the mandate of MINURSO; and (c) to provide independent information on conditions on the ground to the Secretariat, the Security Council and the international community. A United Nations operation on which both parties rely, which is able to function as a neutral arbiter between the sides and as a solid deterrent to further changes in the military status quo, would return MINURSO operations to the norms and standards expected of contemporary peace operations.

113. As a guarantor for the stability of the ceasefire, and as a visible commitment of the international community to achieve a resolution of the conflict, I believe that the presence of MINURSO remains relevant. I therefore recommend an increase of 15 military observers to bolster its monitoring capacities. In the light of the challenges described in the present report, I seek the assistance of the Security Council in reasserting the mandated role of MINURSO, upholding peacekeeping standards and United Nations neutrality, and ensuring that the minimum conditions for the successful operation of the Mission are met. I call on both parties, Morocco and Frente Polisario, to cooperate fully with MINURSO in achieving these objectives. In this context, and in the light of the continuing efforts of my Personal Envoy, I recommend that the Security Council extend the mandate of MINURSO for a further 12 months, until 30 April 2013.

114. In conclusion, I wish to thank Christopher Ross, my Personal Envoy, for his tireless diligence in working with the parties towards a just and lasting and mutually acceptable political solution that will provide for the self-determination of the people of Western Sahara. I also thank my Special Representative in Western Sahara, Hany Abdel-Aziz, as well as Major General Abdul Hafiz of Bangladesh, who assumed his duties as MINURSO Force Commander on 24 July 2011, for their able and dedicated leadership of MINURSO. I wish to thank the former MINURSO Force Commander, Major General Jingmin Zhao of China, who returned home on 10 April 2011 after a distinguished tenure in Western Sahara. Finally, I also thank the women and men of MINURSO for the work they are performing in difficult circumstances, to fulfil the Mission's mandate.

Annex

United Nations Mission for the Referendum in Western Sahara

Contributions as at 31 March 2012

Country	*Military observers*[c]	*Troops*[a]	*Civilian police*[b]	*Total*
Argentina	3	0	0	3
Austria	2	0	0	2
Bangladesh	9	20	0	29
Brazil	10	0	0	10
Chad	0	0	1	1
China	7	0	0	7
Croatia	6	0	0	6
Djibouti	2	0	0	2
Egypt	23	0	1	24
El Salvador	3	0	3	6
France	13	0	0	13
Ghana	10	7	0	17
Guinea	5	0	0	5
Honduras	12	0	0	12
Hungary	6	0	0	6
Ireland	3	0	0	3
Italy	5	0	0	5
Jordan	0	0	2	2
Malawi	3	0	0	3
Malaysia	12	0	0	12
Mongolia	4	0	0	4
Nepal	5	0	0	5
Nigeria	8	0	0	8
Pakistan	11	0	0	11
Paraguay	5	0	0	5
Poland	1	0	0	1
Republic of Korea	4	0	0	4
Russian Federation	18	0	0	18
Sri Lanka	3	0	0	3
Uruguay	1	0	0	1
Yemen	9	0	1	10
Total	**203**	**27**	**8**	**238**[c]

[a] Authorized strength is 231, including the Force Commander.
[b] Authorized strength is 6.
[c] Actual strength on the ground, for military and civilian police, including the Force Commander.

MOROCCO
ALGERIA
MAURITANIA
Western Sahara
ATLANTIC OCEAN
CANARY ISLANDS
Agadir
Tiznit
Sidi Ifni
Goulimine
Tantan
Zag
Tindouf
Tarfaya
Laayoune
Mahbas
Hawza
Al Farsia
Smara
Boucraa
Bir Lahlou
Mehairez
Tifariti
Bir Moghrein
Bouidour
Guelta Zemmur
Chalea
Oum Dreyga
Dakhla
Baggary
Mijek
Zouerat
Awsard
Agwanit
Dougaj
Bir Gandouz
Tichla
Zug
Guerguerat
Bou Lanuar
Nouadhibou
La Guera
Choum
Atar
Las Palmas
Lanzarote
La Palma
Tenerife
Fuerteventura
Gomera
Hierro
Gran Canaria
HQ MINURSO
BANGLADESH
LO
MINURSO
April 2012
Medical unit
Liaison office
UN team site
Provisional LO
Berm
Paved road
0 50 100 150 200 km
0 50 100 mi
The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.
Map No. 3691 Rev. 67 UNITED NATIONS
April 2012
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Cartographic Section

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Security Council
Sixty-seventh year

Measures to eliminate international terrorism

The United Nations Global Counter-Terrorism Strategy

Identical letters dated 5 April 2012 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

Over the past few days, there has been an escalation in terrorist acts committed by armed groups in Syria, particularly since the reaching of an agreement regarding the plan proposed by Mr. Kofi Annan. There have been bombings which preliminary evidence suggests are the work of Al-Qaida elements, as well as violence perpetrated by other armed terrorist groups. There has also been growing incitement from parties that claim to support Syria and the mission of the Special Envoy of the United Nations while at the same time taking measures that contravene that plan and inhibit the return of security and stability to Syria.

The outcomes of certain recent meetings show that the participants' fundamental goal was to shed more Syrian blood. Indeed, certain parties have announced that they will allocate resources to finance, arm and pay the salaries of groups which, as we have demonstrated in previous letters, have carried out killings, violence and terrorism.

Certain parties sparked the unfolding crisis in Syria through unprecedented media incitement and by supporting, arming and funding terrorist groups; yet they never acknowledged the existence of those fighters until it was demonstrated by the League of Arab States Observer Mission, which documented their killings, destruction and terrorism. Those parties then withdrew the Arab observers and put an end to the Mission. They failed to act on the Mission's report because it did not serve the interests of Syria's enemies within and beyond the League of Arab States.

The Syrian Arab Republic provided the League of Arab States Observer Mission and United Nations agencies with documentary proof of the armed terrorist groups' crimes against civilians and law enforcement forces in Syria, as well as their countless attacks on infrastructure and private and public property, which have impacted the lives of Syrian citizens. Verified preliminary figures show that terrorists have killed over 3,212 martyrs from the civilian population, 2,088 from

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the army and law enforcement forces, 478 from the police, 204 women and 56 children. In addition, they have carried out kidnappings and issued death threats for ransom: 1,570 civilians, soldiers and policemen have been kidnapped, 941 of whom are still missing. Some of their bodies were found after being displayed. 2,286 Government vehicles have been stolen.

It is strange that while ostensibly shedding tears for the Syrian people, many media organizations and officials within and beyond the region have not said a word about those crimes. Instead, they have pressed for regional and international organizations to adopt resolutions whose fundamental aim is to provide a distorted view of Syria, threaten its stability, independence and sovereignty, ar l damage its regional and international role. The representatives of some Member States of the United Nations are now falling over one another to turn the international institutions against Syria in order to undermine Mr. Annan's efforts. Syria, on the other hand, has affirmed that it supports Mr. Annan's mission and will cooperate to ensure its success.

Syria urges all States to cooperate with it to prevent and eliminate terrorist acts, including by implementing the international counter-terrorism resolutions. Syria insists that the international community and, in particular, the Security Council must take the necessary measures to prevent and eliminate the funding or preparation from abroad of any terrorist acts against Syria. Certain States have expressed support for the terrorists and advocated arming them in order to attack Syria. We urge those States to consider the consequences of their words and deeds; the world has not yet forgotten the disastrous regional and international impact of their decision to fund terrorists in other States. Syria insists that all concerned States must refrain from giving safe haven to individuals who plan, support or commit terrorist acts. The international community can no longer indulge those terrorists or their backers. Moreover, international terrorism is closely connected with transnational organized crime, money-laundering and illicit trafficking of drugs and weapons, aspects that are all relevant to the events currently taking place in Syria. The concerned parties in the United Nations must reject and condemn such actions in order to coordinate national, regional and international efforts to confront those grave challenges to international security.

As a founding member of the United Nations and an active participant in its work, Syria looks forward to the cooperation of all States in order to eliminate terrorism and the funding and arming thereof. Independent and sovereign States should be spared the tragic legacy of terrorism.

I should be grateful if you could have this letter circulated as a document of the General Assembly, under agenda items 109 and 118, and of the Security Council.

United Nations S/2012/199

Security Council

Distr.: General
9 April 2012

Original: English

Letter dated 6 April 2012 from the Secretary-General addressed to the President of the Security Council

Further to the briefing by the Joint Special Envoy to the Security Council on 2 April 2012, and with the agreement of the Government of the Syrian Arab Republic, a United Nations team consisting of staff from the Office of the Joint Special Envoy, the Department of Peacekeeping Operations and the Department of Field Support was dispatched to the Syrian Arab Republic to consult with the Government and engage in technical preparations for the potential deployment of observers to supervise and monitor a cessation of armed violence under the six-point plan, should this be achieved. The team, led by Major General Robert Mood (Norway), arrived in Damascus on 5 April 2012 and started its work.

It has now become clear that in view of the range of work required, it is necessary to augment the visiting United Nations team with six additional personnel. To expedite their deployment under tight deadlines, I intend to draw from United Nations personnel who are already in the region, serving with the United Nations Truce Supervision Organization (UNTSO). For the time of their service in the visiting United Nations team in Syria, those officers will not be part of UNTSO and will not have operational tasks. Rather, they will form part of the United Nations visiting team and will work solely on tasks related to it, i.e., to consulting and engaging in technical preparations for the potential deployment of United Nations observers.

(*Signed*) **BAN** Ki-moon

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United Nations S/2012/200

Security Council

Distr.: General
9 April 2012

Original: English

Letter dated 7 April 2012 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 6 April 2012 (S/2012/199) concerning your intention to augment the visiting United Nations team with six additional personnel, to be drawn from personnel serving with the United Nations Truce Supervision Organization, has been brought to the attention of the members of the Security Council. They take note of the intention contained in your letter.

(*Signed*) Susan E. **Rice**
President of the Security Council

12-28602 (E) 090412

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United Nations S/2012/201

Security Council

Distr.: General
9 April 2012
English
Original: French

Letter dated 9 April 2012 from the Permanent Representative of Burkina Faso to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to transmit herewith a copy of the Framework Agreement (see annex) for implementation of the Solemn Undertaking of 1 April 2012 between the Mediator of the Economic Community of West African States, His Excellency President Blaise Compaore of Burkina Faso, and the Comité national pour le redressement de la democratie et la restauration de l'État, which was signed on 6 April in Bamako, Mali.

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Der **Kogda**
Ambassador
Permanent Representative

12-28633 (E) 090412 090412

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Annex to the letter dated 9 April 2012 from the Permanent Representative of Burkina Faso to the United Nations addressed to the President of the Security Council

Framework Agreement for implementation of the Solemn Undertaking of 1 April 2012

Between

The Mediator of ECOWAS, on the one hand,

and

The Comité national pour le redressement de la democratie et la restauration de l'État, on the other hand,

Considering that the return to constitutional normality is contingent on compliance with the provisions of the Constitution of 25 February 1992, article 36 of which provides for a transition in the office of President of the Republic in the event of a vacancy or incapacity;

Recalling that, pursuant to article 36:

> If the President of the Republic is temporarily prevented from performing his functions, his powers shall be exercised provisionally by the Prime Minister.
>
> In the event that **the office of the President of the Republic falls vacant** for any reason or that **the Constitutional Court, mandated by the President of the National Assembly and the Prime Minister, declares that the President of the Republic is totally or permanently incapacitated**, his functions shall be exercised by **the President of the National Assembly**.
>
> A new President shall be elected for a new five-year term of office.
>
> **The election of the new President shall be held at least twenty-one days and not later than forty days** after the official notification of the vacancy or of the permanent nature of the incapacity.
>
> In any case of incapacity or vacancy, articles 38, 41, 42 and 50 of the present Constitution shall not apply.

The ECOWAS Mediator and the Comité national pour le redressement de la democratie et la restauration de l'État have agreed to adopt the present Framework Agreement for implementation of the Solemn Undertaking of 1 April 2012, which reads as follows:

Chapter I: Implementation of the provisions of article 36 of the Constitution

Article 1

The President of the Republic shall officially resign from office.

Article 2

The Chairman of the Comité national pour le redressement de la democratie et la restauration, in accordance with his solemn declaration of 1 April 2012, shall initiate the implementation of article 36 of the Constitution of 25 February 1992.

Article 3

Pursuant to the provisions of article 36, paragraph 2, of the Constitution, the President of the National Assembly and the Prime Minister shall inform the Constitutional Court of the said resignation so that it can take note of the vacancy.

The Constitutional Court, with reference to the provisions of article 36, paragraph 2, of the Constitution, shall take note of the vacancy of the office of the President.

Article 4

The President of the National Assembly shall be installed as Acting President of the Republic by the Constitutional Court and instructed to hold a presidential election within the 40-day time frame mandated by the Constitution.

Chapter II: Establishment of transitional institutions

Article 5

In light of the exceptional circumstances in the country; the institutional crisis and the armed rebellion in the north, which have seriously affected the regular functioning of the institutions of the Republic; and the impossibility of holding elections within the 40-day time frame mandated by the Constitution, it is essential to ensure a political transition that will lead to free, democratic and transparent elections throughout the national territory.

Article 6

In the circumstances outlined in article 5 above, the signatories to this Agreement undertake to establish the following transitional institutions, which shall leading the transition process until a presidential election is held on the basis of electoral rolls that have been duly revised and accepted by all.

(a) A transitional Prime Minister and Head of Government, with full powers, shall be appointed and shall be mandated to lead the transition, to manage the crisis in the north of Mali and to organize free, transparent and democratic elections, in accordance with a road map;

(b) A transitional national unity Government shall be established, composed of figures chosen by consensus, and shall be responsible for implementing the road map to end the crisis;

(c) The national unity Government shall work to establish humanitarian assistance;

(d) The signatories, in consultation with all stakeholders, shall adopt a transitional road map, which shall include:

– The time frame and schedule for the transition;

- The operational tasks to be undertaken by the various transitional institutions to ensure a peaceful transition;
- The organizational modalities for elections with a view to the complete normalization of the situation;
- The review of the electoral rolls;

(e) The role and status of members of the Comité national pour le redressement de la democratie et la restauration de l'État during the transition process shall be defined.

Chapter III: Adoption of supporting legislative measures

Article 7

Given the exceptional circumstances that the country is experiencing as a result of the war and to ensure that elections are organized successfully throughout the country and to strengthen social cohesion and national unity, a number of legislative texts to support the transition process shall be voted on by the National Assembly:

(a) A general amnesty law for members of the Comité national pour le redressement de la democratie et la restauration de l'État and their associates;

(b) A law on compensation for victims of the war and of the insurrection of 22 March 2012;

(c) A law extending the mandate of deputies until the end of the transition;

(d) A law on military policy and planning to address the organizational and equipment needs of the Army;

(e) A law establishing a military committee to monitor the reform of defence and security forces.

Chapter IV: Commitments of the signatories

Article 8

The Comité national pour le redressement de la democratie et la restauration de l'État shall implement this agreement under the auspices of the ECOWAS Mediator and with the support of the international community.

Article 9

Once this agreement has been signed, the current Chairman of ECOWAS shall take the necessary measures to lift the sanctions imposed on Mali during the summit of 29 March 2012.

Article 10

In view of the very disturbing humanitarian situation, the current Chairman of ECOWAS shall make funds for humanitarian assistance available to Mali and shall call on the technical and financial partners of Mali and the international community to provide appropriate humanitarian assistance.

Done at Bamako on 6 April 2012.

For the ECOWAS Mediator:

For the Comité national pour le redressement
de la democratie et la restauration de l'État:

(*Signed*) Captain Amadou Haya **Sanogo**

(*Signed*) Yipènè Djibrill **Bassolé**
Minister for Foreign Affairs and
Regional Cooperation of Burkina Faso

Witness

Minister of African Integration
of the Republic of Côte d'Ivoire
(*Signed*) Adama **Bictogo**

Witness

Deputy Minister for Foreign Affairs
of the Federal Republic of Nigeria
(*Signed*) Dr. Mohammed **Nouriddeen**

United Nations A/ES-10/551–S/2012/202

General Assembly
Security Council

Distr.: General
9 April 2012

Original: English

General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixty-seventh year

Identical letters dated 9 April 2012 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Israel, the occupying Power, continues its systematic destruction of the two-State solution with its continuing illegal settlement campaign, deliberately waged in an attempt to seize more Palestinian land and entrench its control over the Palestinian Territory, including East Jerusalem, that it has belligerently occupied since 1967. This illegal colonization campaign has recently included the confiscation of more Palestinian land, the demolition of Palestinian homes and civilian infrastructure, and provocative declarations for the establishment of a new settlement and the expansion of existing settlements.

Last week, on 4 April, the Israeli Government opened the bidding for the construction of 1,121 new settlement units on occupied land. The announcement regards the plans for another 827 units in the illegal settlement of "Har Homa", the construction of which was sanctioned by the current Israeli Prime Minister himself during his previous term in 1997, in Jabal Abu Ghneim in the southern part of Occupied East Jerusalem; and 180 units in the illegal settlement of "Givat Zeev" north of Occupied East Jerusalem. This provocative announcement, which signals the beginning of the implementation of these illegal and destructive plans, not only inflames tensions, but further underscores the dubious nature of the occupying Power's claims of readiness to negotiate a peace settlement according to the two-State solution, the achievement and the viability of which it continues to obstruct and denigrate daily.

This offensive, aggressive step by the occupying Power was preceded by yet another provocative declaration by the so-called Mayor of Jerusalem, who, on 2 April, announced plans to establish a new Israeli settlement in Occupied East Jerusalem. If these plans were implemented, they would involve the illegal construction of at least 200 settlement units in an area of Palestinian land between Abu Dis and Jabal Mukabber, effectively dividing Occupied East Jerusalem and further destroying the viability of the two-State solution on the basis of the pre-1967 borders, wherein East Jerusalem is the capital of the State of Palestine.

In addition, on 3 April, the Israeli occupying forces raided the Al-Makhrour area of the city of Beit Jala, west of Bethlehem, and carried out the bulldozer

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demolition of two Palestinian homes and a water well, a road and 53 utility poles, cutting off the electricity to at least 12 Palestinian families in the area. These illegal actions are clearly intended to displace Palestinian families from one of the last green areas left in the Bethlehem district, aiming to facilitate the expansion of the illegal settlement of "Har Gilo" and to further entrench Israel's network of settlements from Occupied East Jerusalem towards Al-Khalil in the southern West Bank and further restrict the area for the future natural development of Palestinian cities, towns and villages. Beit Jala has been repeatedly impacted by such heavy-handed, illegal policies of the occupying Power, with the recent illegal actions having been preceded by vast land confiscations and the construction of the illegal annexation Wall, which have gravely harmed the Cremisan area of the city, including a green area belonging to 58 families from Beit Jala, a kindergarten, a convent and a vineyard.

Moreover, in this connection, it is significant to note that the Palestinian city of Beit Jala is a predominantly Christian community that has been severely harmed by Israel's illegal occupation policies, especially its unlawful settlement activities, ranging from the construction of settlements, the Wall and the bypass roads, the expropriation of land, the stringent, racist and arbitrary permit regime and movement restrictions that have displaced thousands of families, as well as numerous other manifestations of this colonization campaign. The grave impact on the Palestinian Christian community as a whole in the Occupied Palestinian Territory must be emphasized in particular at this time of the Easter celebrations, when, once again, Palestinians' right to worship in their holy places and to take part in Easter ceremonies in Bethlehem and Occupied East Jerusalem was restricted and violated by Israel, the occupying Power.

The Palestinian leadership thus renews its appeals to the international community, and foremost the Security Council, to condemn Israel's illegal settlement activities and all other related unlawful policies in the Occupied Palestinian Territory, including East Jerusalem. Moreover, urgent measures must be undertaken to pressure the occupying Power and compel it to cease all such actions immediately. Israel's continued denial, rejection, obstruction and violation of Palestinian national and human rights is gravely impairing the fabric and the viability of the Palestinian society and gravely threatening the vision of two States on this land, where the Palestinian and Israeli peoples can coexist in peace and security, and thus threatening the region and international community as a whole. Preventing a steeper deterioration of the situation, averting continued escalation of tensions, and salvaging the slim prospects remaining for realizing the two-State solution on the basis of the pre-1967 borders require that Israel, the occupying Power, be held accountable for all of its breaches of international law. It is high time to end the selectivity and the reliance on shameful political pretexts that have fuelled Israel's impunity at the expense of the peace, stability, justice and human rights for which the Palestinian people have long suffered and the international community has long called.

Before concluding, I must also draw your attention to the continued aggressions being perpetrated by Israel, the occupying Power, and its extremist settlers against the Palestinian people. Recently, numerous Israeli military raids of Palestinian towns and villages were carried out, with a Palestinian man having been killed and several others injured and with dozens of Palestinian civilians having been arrested and homes ransacked by the occupying forces. In this regard, on

2 April, Rashad Theib Shoukha, age 28, died of wounds sustained on 27 March after having been shot by Israeli gunfire to the chest during a dawn raid by the Israeli occupying forces in the village of Rammoun near Ramallah. His brothers, Anwar and Akram, were also wounded, and the soldiers even prevented access by Palestinian medics to aid the three wounded men, who bled for hours.

In addition, in the past weeks arrest and detention of Palestinian civilians by the occupying Power continued. At least 20 Palestinians from Kufr Qaddoum, east of the city of Qalqiliya, were arrested by the Israeli occupying forces on 5 April, at least 15 other Palestinians were detained during overnight raids in the central and southern areas of the West Bank on 4 April, and 10 Palestinians were arrested, including two children, on 2 April. At the same time, the critical situation of Palestinian prisoners in Israeli jails and detention centres continues to be a major concern for the Palestinian people and their leadership. The occupying Power continues its degrading and inhumane treatment of Palestinian prisoners, endangering their well-being and violating their human rights, and continues the administrative detention of hundreds of Palestinians without charge or trial. In this regard, while Hana Shalabi, who was once again detained by the occupying forces without charge and had been on a prolonged hunger strike, was recently released from detention, 12 other Palestinians remain on hunger strike in protest of their arbitrary detention by Israel.

It is also necessary to draw your attention to the injury of at least 61 Palestinian prisoners being held by Israel at the "Nafha" prison. The injuries occurred when Israeli soldiers stormed the jail, on 1 April, after Palestinian prisoners refused to give DNA samples, which the prison authorities even tried to get by force. This incident reflects just another deplorable and humiliating practice used by Israel, the occupying Power, against the Palestinian civilians, including children, women and elected officials, who it is unlawfully imprisoning, underscoring yet again the urgent need for the international community to redress the situation of Palestinian prisoners in accordance with international law, including humanitarian and human rights law.

This letter is in follow-up to our previous 422 letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 12 March 2012 (A/ES-10/550-S/2012/188), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer of Palestine to the United Nations

United Nations S/2012/203

Security Council

Distr.: General
10 April 2012
English
Original: Arabic

Identical letters dated 9 April 2012 from the Permanent Representative of the Syrian Arab Republic addressed to the Secretary-General, the President of the General Assembly and President of the Security Council

On instructions from my Government, I wish to make the following points with reference to the informal meeting of the General Assembly held on 5 March 2012 and further to my letter of 1 March 2012 (document S/2012/130).

The meeting of the General Assembly on 5 March 2012 was the fourth one convened by the President of the Assembly, Nassir Abdulaziz Al-Nasser, concerning Syria. He did not consult or even inform Syria, the State directly concerned. That dangerous precedent will have repercussions for numerous other issues before the United Nations, something for which the President will bear responsibility.

The President's behaviour during that meeting calls into question his impartiality and personal objectivity with regard to the events in Syria. It shows clearly that he is taking advantage of his position to implement his country's anti-Syrian policies. It is especially telling that at the outset of the meeting, he rejected our request for a minute's silence in memory of all victims of the crisis in Syria. Blatantly manipulating the proceedings, he used the meeting to promote the narrow viewpoint of his own country Qatar, Saudi Arabia and other States well known for their antagonism towards Syria. He refused to let the Syrian delegation speak on a point of order after it had requested the floor for the second time, disregarding the principles and procedures of the Assembly in an unprecedented display of autocratic behaviour. That glaring breach of procedure will be remembered in the annals of the United Nations. It reflects a dictatorial attitude that is by no means uncharacteristic of his country's policies.

It has thus become clear to everyone that in responding to the events in Syria, he has not acted solely in his capacity as an impartial President. He has repeatedly issued negative statements and press releases regarding those events, and has repeatedly attempted to convene Assembly meetings in violation of its resolutions and practice. That approach contravenes his mandate as President of the General Assembly, a role that requires impartiality, objectivity and compliance with the Charter of the United Nations. We expressed those very grave concerns to him. the Secretary-General of the United Nations and the President of the Security Council in identical letters issued as document S/2012/130.

Member States expect the President of the General Assembly not to be influenced by his country's political position. He was elected to represent all

Member States, and should not use his position to further his own country's agenda and policies. However, in his increasingly strident anti-Syrian statements and press releases, he has overstepped his mandate and adopted a tone inconsistent with his duty to seek consensus and mediation. In so doing, he has favoured the approach of certain States inimical to Syria while ignoring other States that reject intervention in Syria's internal affairs. This latter group stresses the need for a comprehensive national dialogue that would safeguard the country's stability, promote the interests of its citizens and foster a peaceful resolution to the crisis without manipulating the Syrian people.

Under this very President, the General Assembly has adopted dozens of resolutions concerning the Israeli occupation of Arab territories including the Syrian Golan. It is therefore strange that he has not requested a single meeting to discuss that important issue — the most important item on the agenda of the United Nations since its establishment — especially in view of the escalation in Israeli settlement activities and attacks on the holy sites, possessions and liberties of Palestinian citizens in the occupied city of Jerusalem and elsewhere. It is ironic that just as his predecessor Father Miguel d'Escoto devoted the bulk of his time and energy to the defence of the Palestinian cause, the current President — who was elected upon the nomination of the Group of Arab States — devotes the bulk of his time and energy to obscuring Israel's grave violations of Palestinian rights by using the Assembly's efforts and resources in a pathological manner to denounce and denigrate Syria. At the current session, the Assembly has adopted two resolutions condemning Israeli occupation of the Syrian Golan and calling on the international community to bring an end to it and remedy the injustice inflicted on Syrian citizens living under occupation. The President has not addressed the implementation of those resolutions. Instead, regrettably, he promptly requested the Secretary-General to present an oral report regarding the General Assembly resolution on Syria. He has convened successive meetings on that topic, to the detriment of the dozens of significant resolutions adopted by the Assembly at its current session.

I should be grateful if this letter could be circulated as a document of the Security Council.

(*Signed*) Bashar **Ja'afari**
Permanent Representative of the Syrian Arab Republic
to the United Nations

United Nations A/66/764–S/2012/204

General Assembly
Security Council

Distr.: General
9 April 2012
English
Original: Russian

General Assembly
Sixty-sixth session
Agenda items 35, 39, 65, 67, 69, 83 and 84

Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Promotion and protection of the rights of children

Elimination of racism, racial discrimination, xenophobia and related intolerance

Promotion and protection of human rights

The rule of law at the national and international levels

The scope and application of the principle of universal jurisdiction

Security Council
Sixty-seventh year

Letter dated 23 March 2012 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

I am writing with reference to the letter dated 24 February 2012 from the Permanent Representative of the Republic of Armenia (A/66/708-S/2012/117), which, in both form and content, presents a provocative attempt to respond to my letter of 17 February 2012 relating to the twentieth anniversary of the bloody reprisals by the Armenian armed forces against the Azerbaijani population of the town of Xocali (A/66/704-S/2012/105).

Significantly, the said letter from the Permanent Representative of Armenia has as its attachment a statement made in the name of the puppet separatist regime unlawfully established by Armenia in occupied territory of the Republic of Azerbaijan. The mere act of propagating in this manner the existence of a separatist formation which is ultimately nothing other than the product of aggression and racial discrimination graphically demonstrates Armenia's stubborn refusal to comply with the obligations incumbent on it under international law and to abide by universally recognized standards of civilized behaviour.

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Clearly, both the letter from the Permanent Representative of Armenia and the substance of its attachment constitute yet another instance of the blatant falsification resorted to by the Armenians in their endeavour to deny their guilt and responsibility for the crimes committed during their campaign of aggression against peace and humanity. The reasoning behind the Armenian propaganda explaining the massacre of the peaceful Azerbaijani population of Xocali is based on the absurd aspiration, which flies in the face of common sense, to represent matters in such a manner as if it were the Azerbaijanis themselves who allegedly obstructed the evacuation of the civilian population from the area of military hostilities and, even worse, gunned down their own fellow countrymen, in order to exploit the large numbers of civilian casualties for their own internal political ends. There are more than sufficient facts which refute these vile and nefarious fabrications and these have repeatedly been brought to the attention of the international community.

Thus, in his letter dated 24 March 1997 addressed to the Minister for Foreign Affairs of Armenia, the Executive Director of Human Rights Watch/Helsinki responded as follows to attempts by the Armenian propaganda machine to obfuscate this human rights organization with its fabrications:

> "Our research and that of the Memorial Human Rights Center found that the retreating militia fled Khojaly along with some of the large groups of fleeing civilians. Our report noted that by remaining armed and in uniform, the Azerbaijani militia may be considered as combatants and thus endangered fleeing civilians, even if their intent had been to protect them.
>
> "*Yet we place direct responsibility for the civilian deaths with Karabakh Armenian forces. Indeed, neither our report nor that of Memorial includes any evidence to support the argument that Azerbaijani forces obstructed the flight of, or fired on Azeri civilians.*" (Our italics) (Full text of the letter from the Executive Director of Human Rights Watch/Helsinki may be found on the organization's website: http://www.hrw.org/news/1997/03/23/response-armenian-government-letter-town-khojaly-nagorno-karabakh)

The Armenian author Markar Melkonian, who dedicates his book to the "glorious road" followed by his brother — the notorious international terrorist Monte Melkonian, who personally took part in the assault on Xocali — describes in detail how Armenian soldiers butchered the peaceful inhabitants of this town. Thus, as he puts it, some inhabitants of Xocali had almost made it to safety, after fleeing for nearly six miles, when "[Armenian] soldiers had chased them down". The soldiers, in his words, "unsheathed the knives they had carried on their hips for so long, and began stabbing." (Markar Malkonian, *My Brother's Road: An American's Fateful Journey to Armenia* (London and New York: I. B. Tauris, 2005), pp. 213-214).

It should be noted that, in his comments, the Permanent Representative of Armenia passes in silence not only over the abundant evidence left by witnesses to the tragedy and the findings of independent investigations by foreign journalists, human rights activists and authoritative international non-governmental organizations, but also the public admission by the President of Armenia, Serzh Sargsyan. To refresh the memory of Armenian diplomats and other participants in that deplorable campaign of slander and vilification, we are obliged once again to draw attention to the revelations made by the current Armenian head of State.

Thus, in his interview with the British journalist Thomas de Waal of 15 December 2000, Serzh Sargsyan had no qualms about admitting that, "before Khojali, the Azerbaijanis thought that ... the Armenians were people who could not raise their hand against the civilian population. We were able to break that [stereotype]." (Thomas de Waal, *Black Garden: Armenia and Azerbaijan through Peace and War* (New York and London: New York University Press, 2003), p. 172). Recently, some 12 years later, Thomas de Waal published the full transcript of that interview, the contents of which offer the most effective rebuff to the fabrications of Armenian propaganda (see http://carnegieendowment.org/2012/02/24/president-interview-and-tragic-anniversary/9vpa). Take, for example, the following words by Serzh Sargsyan, which need no further comment:

> "Yes, it's true that there were civilians in Xocali. But there were also soldiers together with the civilians. And when a shell flies through the air, it doesn't distinguish between civilian and soldier, it has no eyes. If the civilian population remains behind, even when they have a perfectly good opportunity to leave, it means that they are also taking part in the hostilities ..."

We are struck not only by the cynicism with which the President of Armenia talks of the mass murder of entirely innocent people, but also by the glaring omission in his education, unpardonable for a person who by virtue of his official position should have a very clear understanding of the scope of his decisions and actions. Serzh Sargsyan would most probably refrain from voicing such revelations if he were aware of the universally recognized laws of the conduct of military operations, including, above all, those mandating that a clear distinction be maintained between civilians and combatants and also prohibiting attacks of an indiscriminate nature. Having made the incontrovertible observation that an artillery shell flying through the air has no eyes, the head of the Armenian State could hardly then dispute the fact that those who choose the target and fire the shell against it are the ones with eyes.

The Armenian President also debunks the myth about the corridor allegedly left open by the assailants for the civilian population of Xocali. Thus, answering the interviewer's question on this issue, Sargsyan readily concedes that "generally speaking, this was after Xocali", since at the time "there was a certain amount of ethnic cleansing", as "it's impossible to do this any other way". In answer to de Waal's question as to whether things could have happened differently and whether he had any regrets about the death of thousands of people, the Armenian head of State answers quite unabashedly that "he has absolutely no regrets", since "such upheavals are necessary, even if thousands have to die".

Serzh Sargsyan also openly admits that the war was unleashed by Armenia and that its aim was a long nurtured plan to seize Azerbaijani territory. Furthermore, he asserts that, during the active military phase of the conflict, it was precisely the Armenian side which blatantly ignored the demands by the Security Council for an immediate halt to all military operations and hostilities, with a view to establishing a lasting ceasefire. At a time when there was a real possibility of halting the bloodshed and saving the lives of thousands of people, the Armenian leaders reasoned otherwise. The following words by President Sargsyan speak for themselves:

> "We embarked once on a war like this, but I don't think we could do it a second time. It would be simply impossible. It might be possible, perhaps, in

some fifty or a hundred years' time. But when you say to a soldier: Stand back, he won't move forward again. There were no solid guarantees. Look, they were saying, first let's give up the territory, then we can review the situation. But why should they review the situation? Why? It made no sense".

The poorly concealed nervousness of the Armenians and the energy that they devote to deluding the international community about the events in Xocali and other crimes committed during Armenia's war of aggression against Azerbaijan are all too easy to explain.

First, it is well known that both the present and former presidents of Armenia, Serzh Sargsyan and Robert Kocharian, together with many other high-ranking officials of this State and leaders of the puppet separatist regime set up by Armenia in occupied territory of Azerbaijan, personally participated in seizing Azerbaijani land and in the bloody reprisals against civilian population. It is clear that, given the scale and gravity of the offences which they committed, the criminal prosecution of these persons would be an inevitable consequence of their evil deeds.

Second, the premeditated massacre of the civilian population and defenders of the town of Xocali was not an isolated or sporadic act, but part of the widescale and systematic policy and practice of violence waged by Armenia, driven by its annexationist ambitions and odious notions of racial and religious intolerance. In this sense, the Armenian leaders and the separatist chiefs who answer to them have much in common with the perpetrators of the unprecedented atrocities of the Second World War. We should note in particular, that the massacre in Xocali and other serious crimes committed against the Azerbaijanis during the conflict definitively dispel the myth of Armenia as an eternal victim. It is also clear that, seen against this backcloth, Armenia's attempts to represent its actions as exercise of its right to self determination are utterly discredited.

We are convinced that sustained measures undertaken at the national level, together with the existing legal foundations for the judicial prosecution and punishment of these most serious crimes, which have so alarmed the international community, will help in ending the impunity enjoyed by Armenia for the crimes of aggression that it has committed against Azerbaijan.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda items 35, 39, 65, 67, 69, 83 and 84, and of the Security Council.

(*Signed*) Agshin **Mehdiyev**
Ambassador
Permanent Representative